IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITIN NO.8396 OF 2006

Dr.Vishwas M. Kanade ....Petitioner
V/s.
Rajgopal G. Laddha & Ors. ....Respondents

Mr.Rakesh Bhatkar for the Petitioner.
Mr.S.B. Shetye for Respondent No.1.

CORAM : S.J. VAZIFDAR, J.
DATED : 12TH JANUARY, 2007.

P.C. :

1. Prima-facie the impugned order is not really assailable. However with a view to granting the Petitioner one more opportunity, the following order is passed :-

i). Rule. Rule returnable and heard forthwith.

ii). The impugned order is set aside. The Appeal before the learned District Judge would be heard on merits. The same however would be subject to the Petitioner's paying to Respondent No.1 costs fixed at Rs.5000/- within four weeks from today. In the event of the costs not being paid as aforesaid, the

impugned order shall stand and this order shall stand vacated without further recourse to Court.

2. In view of the order dated 10.10.2006 in Writ Petition No.1231 of 2006, the learned Judge is requested to hear the matter and pass orders thereon within eight weeks from today.

. Parties to act on an ordinary copy of this order duly authenticated by the Private Secretary of this Court.